UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
JAKOVAC, RYAN J

ART UNIT	PAPER NUMBER
2445	

NOTIFICATION DATE	DELIVERY MODE
12/04/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 August 2009*.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-10,21,23-31 and 33* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1,3-10,21,23-31 and 33* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 08/27/2009 have been fully considered but they are not

persuasive.

Rejections under USC 102

2.   Applicant argues in summary that Kjellberg fails to disclose having: "multiple

implementations of an application, in which each implementation has a corresponding device

type and a user interface that is formatted for display on the corresponding device type. " The

Examiner respectfully disagrees. The following evidence is provided to support the Examiner's

position.

        a.   "multiple implementations of an application" are disclosed by Kjellberg:

        "A user-centric session management system and method are provided, in which a

user remains authenticated and connected to a session while <u>migrating between</u>

<u>provisioning applications</u>, protocols and/or client devices" (Kjellberg, abstract.).

Paragraph [0025] of Kjellberg discloses that a provisioning server is able to "find a

suitable version of the requested application or object and provide the application or

object to the requester." Clearly multiple versions are synonymous with multiple

implementations, and thus Kjellberg discloses "multiple implementations of an

application."

        b.   "each implementation has a corresponding device type and a user

interface that is formatted for display on the corresponding device type" is also disclosed

by Kjellberg. At least paragraph [0025] clearly discloses each implementation has a

device type and a formatting specific to that device type. Paragraph [0025] states that:

"The ability to find <u>a suitable version of the requested application</u> or object accounts for

the <u>different formats</u> utilized by the many <u>different types of client devices</u> 100, each with

its own characteristics, limitations and configuration. For example, the client devices 100

may include <u>PDAs 100a, workstations and desktop computers 100b, mobile phones 100c</u>

<u>and laptops</u> 100d." Clearly, Kjellberg discloses that each implementation of the

applications has a corresponding device types and user interfaces formatted for display on

the device type. Further, the application menu (i.e. the user interface) is "based on device

type" (Kjellberg, [0029].). Applications are also provisioned in a format suitable for the

device type (Kjellberg, [0030].).

3.   Applicant argues in summary that the Examiner erroneously divides the limitation of

each implementation having a user interface that is formatted for display particularly to the

device capabilities of the corresponding device into two separate parts. However, a reading of at

least [0029-0030] shows that Kjellberg discloses having a user interface that is formatted for

display particularly to the device capabilities of the corresponding device. Further, both the

application menu and the provisioned applications are presented based on device type (Kjellberg,

[0029-0030].

4.   Applicant argues in summary that Kjellberg fails to disclose the application helper

modules as recited in the claims. Applicant argues that both the separate application helper

modules and the actual implementation of the application have a corresponding device type.

However, Kjellberg indeed discloses both application helper modules and implementations of the

application that have a corresponding device type. As recited in at least [0029-0030] and as

shown in fig. 1, an application menu is formatted to a corresponding device type. The application

menu provides the user with a selection of applications which are then downloaded to the device.

The device may be one of a plurality of devices such as a PDA, cell phone, laptop etc, and the

application is formatted specifically for the device.

Rejections Under 35 USC 103

5.   Applicant states cites that the combinations of Kjellberg and Johnson or Kjellberg and

Herschberg respectively do not disclose "multiple implementations of an application, in which

each implementation has a corresponding device type and a user interface that is formatted for

display on the corresponding device type" or the "helper modules" as recited in the Applicant's

claims. These arguments have been addressed above with respect to the teachings of Kjellberg.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the
>
> United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by
>
> another filed in the United States before the invention by the applicant for patent, except that an international
>
> application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an
>
> application filed in the United States only if the international application designated the United States and was
>
> published under Article 21(2) of such treaty in the English language.

7.   Claims 1, 3-5, 10, 21, 23-25, and 30 are rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. 2003/084165 to Kjellberg et al (hereinafter Kjellberg).

Regarding claims 1 and 21, Kjellberg teaches a system and method comprising:

a processor;

a portal server for displaying a user customizable page comprising information and a

plurality of function links for invoking application functions (Kjellberg, fig. 1, provisioning

server (portal server) provides applications to client devices. Paragraph [0028], client accesses

the server through HTML. Paragraph [0029], application menu is specific to the type of client

device. See also paragraph [0006].);

a storage device configured to:

store a plurality of implementations of applications, wherein each application performs at

least one of the application functions (Kjellberg, paragraphs [0006], [0025-0031], multiple

applications, applications are mapped to functions); and

a network framework that when executed by the processor is configured to:

identify a device accessing said portal server (Kjellberg, Paragraph [0029-0030],

application menu is specific to the type of client device.); and

identify a particular application helper module of a plurality of application helper

modules based on a device type of a plurality of device types, wherein said device is of said

device type (Kjellberg, [0025-0030], implementations of the requested application specific to the

requesting device type are provisioned by corresponding modules. See also fig. 1.); and

said plurality of application helper modules associated with the plurality of

implementations of the application for said plurality of device types, wherein display capabilities

of said plurality of device types are heterogeneous amongst said plurality of device types

(Kjellberg, [0025], the client devices include PDAs, workstations and desktop computers, mobile

phones and laptop.), and wherein each of said plurality of implementations of said application

have a corresponding device type of said plurality of device types (Kjellberg, [0029-0030], an

implementation of an application is selected and packaged according to the corresponding device

type. "The deployment manager 270 packages the selected object or application in a format

suitable for the device type 100, based on client device type information provided by the session

manger"), and

wherein each of said plurality of implementations of said application comprises a user

interface formatted for display particular to said display capabilities of said corresponding device

type (Kjellberg, [0029-0030], a menu (i.e. user interface) is formatted specifically for the

corresponding device type. "The session manager 210 uses the user profiles database 240, device

profiles database 230 and descriptor database 250 to construct the application menu. Therefore,

the application menu is capable of being specific to the type of client device 100 and the user

profile preferences."),

wherein each application helper module is associated with a particular implementation of

plurality of implementations of said application (Kjellberg, [0025], versions of the requested

application (i.e. implementations of an application) specific to the requesting device type are

provisioned by corresponding modules. See fig. 1 and paragraphs [0028-0030].) and is

configured to cause the processor to:

obtain a function link of said plurality of function links, wherein said function link is for

said particular implementation of said application, and provide said function link to said portal

server for display in said user customizable page (Kjellberg, [0029-0030], An application menu

is constructed that is specific to the client device. A URL is presented for use in downloading a selected object or application. See also, [0006].), and,

wherein said portal server accesses said particular implementation of said application using said function link to provide content from said particular implementation of said application for display on a web page on said device (Kjellberg, [0029-0030], application menu is constructed that is specific to the client device. deployment manager constructs URL, which is used by the provisioning server in the deployment of services. Paragraph [0028], client accesses the server through HTML. Paragraphs [0004-0006], [0030-0031], content is displayed on the user device.).

Regarding claims 3, and 23, Kjellberg teaches the system as described in claims 2, and 22 wherein further said function requested by said portal server is to launch said particular application (Kjellberg, paragraph [0030], The requested application is fetched from the application server and provided to the client device.)

Regarding claims 4, and 24 Kjellberg teaches the system as described in claims 2 and 22 wherein further said function requested by said portal server is to display information contained in a database record of said application (Kjellberg, paragraph [0029], application menus are presented from the user profiles database based on device type.).

Regarding claims 5 and 25 Kjellberg teaches the system and method as described in claims 2, said function requested by said portal server is to modify preferences associated with

said particular application (Kjellberg, paragraph [0029], users specify preferences which are

maintained in the user profiles database.).

Regarding claims 10 and 30 Kjellberg teaches the system and method as described in

claims 1 and 21 wherein said application helper module is associated with a class of devices

having substantially similar user interface capabilities (Kjellberg, Fig. 1, Client devices including

PDAs, desktop computers, mobile phones and laptops.).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill
> in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

9.   Claims 7-9, 27-29, and 31, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kjellberg in view of U.S. 2003/0120784 to Johnson et al (hereinafter Johnson).

Regarding claims 7 and 27 Kjellberg teaches the system and method as described in

claims 2, 12, and 22. Kjellberg does not expressly disclose wherein said application is an

electronic mail application. However, Johnson discloses wherein said particular application is an

electronic mail application (Johnson, paragraph [0023], Typical personal data management

applications include email applications, contacts applications, schedule or calendar applications, and file access applications.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein said particular application is an electronic mail application as taught by Johnson with the system and method of Kjellberg in order to provide the functionality of typical personal data management applications to the user device (Johnson, paragraph [0023]).

Regarding claims 8, 28 Kjellberg teaches the system and method as described in claims 2, 12, and 22. Kjellberg does not expressly disclose wherein said application is an electronic calendar application. However, Johnson discloses wherein said particular application is an electronic calendar application (Johnson, paragraph [0023], Typical personal data management applications include email applications, contacts applications, schedule or calendar applications, and file access applications.).

Regarding claim 9, 29 Kjellberg teaches a system and method as described in claims 2, 12, and 22. Kjellberg does not expressly disclose wherein said application is an electronic address book application. However, Johnson discloses wherein said particular application is an electronic address book application (Johnson, paragraph [0023], Typical personal data management applications include email applications, contacts applications, schedule or calendar applications, and file access applications.).

Regarding claims 31, 33, Kjellberg teaches the system of claim 1. Johnson discloses wherein said particular implementation of said application is designated to said corresponding device type by a user of said device receiving said user customizable page (Johnson, [0021-0023], device type and application type are selected by the user through a menu.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein said particular implementation of said application is designated to said corresponding device type by a user of said device receiving said user customizable page as taught by Johnson with the teachings of Kjellberg in order to provide a user remote access of personal data stored on personal devices (Johnson, [0008-0011], see also, fig. 3.).

10.   Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kjellberg in view of U.S. 2003/0022657 to Herschberg et al (hereinafter Herschberg).

Regarding claims 6 and 26, Kjellberg teaches a system and method as described in claims 5, 15, and 25. Herschberg discloses wherein said link provided by said particular application helper module is null provided said particular application helper module restricts preference modification of said particular application (Herschberg, paragraph [0116], Status information displayed to the user is designated as disabled based on status modification (i.e. restriction of preference modification).), based on said device type (Herschberg, [0098-0099], application downloads are restricted by device type.).

Herschberg discloses restricting access to applications based on preference modification and returning an appropriate message to the accessing device (Herschberg, [0116, 0174, 0185].).

Kjellberg discloses an applications menu and a link to the application, it would have been

obvious to one of ordinary skill in the art at the time of invention to return a null result, or an

obvious variation of a null result, such as an error message, when a device accesses a restricted

application, as disclosed by Herschberg. Therefore it would have been obvious to one of ordinary

skill in the art at the time of invention to combine wherein said link provided by said particular

application helper module is null provided said particular application helper module restricts

preference modification of said particular application as taught by Herschberg with the system

and method of Kjellberg in order to modify or restrict access rights for a user (Herschberg,

paragraph [0116]).

Conclusion

11.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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